

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, the present specification has been amended to delete compound I-(51) at page 27 and compounds III-(10) and III-(11) at page 31. Claim 3 has been canceled without prejudice or disclaimer. Claim 1 has been amended to recite the Formulae (I) to (IV) previously set forth in now canceled claim 3, wherein subject matter in connection with such formulae has been further amended. Support for these amendments to claim 1 can be found in the present specification at least at page 4, line 23 to page 6, lines 15, taken in connection with page 14, lines 24 to page 15, line 2, and the examples. Claim 4 has been amended for readability purposes.

Claims 5-11 and 13-19 stand withdrawn as a result of the Examiner's restriction requirement. In view of the above amendments, claims 1, 2, 4 and 12 are currently under consideration.

In the Official Action, claims 1, 2, 4 and 12 stand rejected under 35 U.S.C. §103(a) as being obvious over International Publication No. WO 00/65384 (*WO '384*) in view of Japanese Patent Document No. 11-058425 (*JP '425*). Claim 3 stands rejected under 35 U.S.C. §103(a) as being obvious over *WO '384* in view of *JP '425*, and further in view of International Publication No. WO 01/88574 (*WO '574*). The Patent Office has relied on U.S. Patent No. 7,166,339 (*Mori et al*) and U.S. Patent No. 7,084,944 (*Ito et al*) as being English language equivalents of *WO '384* and *WO '574*, respectively.

As discussed above, independent claim 1 has been amended to recite the Formulae (I) to (IV) previously set forth in now canceled claim 3, wherein subject matter in connection with such formulae has been further amended. Withdrawal of the above rejections is respectfully requested for at least the following reasons.

Mori et al does not disclose or suggest each feature recited in independent claim 1. For example, *Mori et al* does not disclose or suggest an aromatic compound represented by Formulae (I) to (IV), as recited in claim 1. At page 4 of the Official Action, the Patent Office has acknowledged that *Mori et al* fails to disclose an aromatic compound represented by Formulae (I) to (IV) recited in now canceled claim 3. Applicants further submit that *Mori et al* does not disclose or suggest the compound represented by Formulae (I) to (IV) as now claimed in claim 1.

JP '425 does not cure the above-described deficiencies of *Mori et al*. In this regard, the Patent Office has relied on *JP '425* for disclosing a method of forming a film on a drum/belt wherein the film is dried by passing air at a particular speed. See Official Action at page 3. However, like *Mori et al*, *JP '425* does not disclose or suggest an aromatic compound represented by Formulae (I) to (IV), as recited in claim 1.

Ito et al also fails to cure the above-described deficiencies of *Mori et al*. The Patent Office has relied on *Ito et al* for disclosing the use of the retardation increasing agent set forth at column 62, lines 41-56. See Official Action at page 4. In this regard, Applicants note that the *Ito et al* retardation increasing agent corresponds to compound I-(51) set forth at page 27 of Applicants' originally filed

disclosure.¹ Such compound, however, has been excluded from the recited Formula (I) by the above claim amendments. For example, claim 1 now recites that in formula (I), R¹ and R² are not identical. By comparison, in the *Ito et al* retardation increasing agent, each of the groups corresponding in position to R¹ and R² are identical.

As discussed at pages 2 and 3 of instant specification, Applicants have observed that while it can be beneficial to employ a functional additive in a cellulose acylate film, use of substantial amounts of such functional additive can result in the functional additive exuding onto the film surface. This phenomenon, referred to as bleed-out or weeping, can cause the film surface to become stained, which can detract from the surface condition of the film. The Examiner's attention is directed to Table 7 at page 82 of the instant specification, which sets forth experimental data concerning the occurrence of weeping in connection with the use of comparative compound I-(51), i.e., the *Ito et al* retardation increasing agent, and exemplary compound I-(2). As can be seen from such experimental results, the *Ito et al* retardation increasing agent exhibited weeping under all three experimental conditions, whereas exemplary compound I-(2) did not exhibit weeping under any such conditions. In view of such experimental data and the differences between the claimed aromatic compound and the compound disclosed by *Ito et al*, it would not have been obvious to modify *Ito et al* to arrive at the claimed aromatic compound. *Ito et al* has no disclosure or suggestion that differences in aspects of the structure of such compounds can, for example, result in the reduction or elimination of the

¹ By the above amendments, the compound I-(51) has been deleted from the instant specification, consistent with the current scope of the amended claims.

occurrence of bleed-out/weeping on the film surface, as surprisingly and unexpectedly recognized by Applicants.

For at least the above reasons, it is apparent that the claims are non-obvious over the alleged combination of *Mori et al*, JP '425 and *Ito et al*. Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

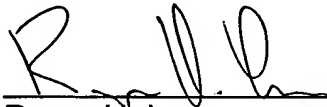
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date: July 17, 2008

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